

REMARKS

Applicants respectfully request reconsideration of this application.

Office Action Rejections Summary

Claims 1-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,148,329 of Meyer ("Meyer") in view of U.S. Patent No. 5,586,304 of Stupek, Jr. et al. ("Stupek").

Status of Claims

Claims 1-17 are pending in the application. No claims have been amended. No claims have been added. No claims have been canceled.

Claim Rejections

Claims 1-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,148,329 of Meyer ("Meyer") in view of U.S. Patent No. 5,586,304 of Stupek, Jr. et al. ("Stupek"). It is submitted that claims 1-17 are patentable over the cited references.

Claim 1 recites:

A method comprising:

updating a message from a first version to an upgraded version by chaining through intermediate versions, wherein updating comprises:
receiving an update message having a first version format; and
repeatedly generating a revised update message having a next most recent version format based on the update message until a final update message having an upgraded version format is generated.

(emphasis added)

The Office Action states in part:

As per claims 1 and 5, Meyer discloses a method, "updating a message from a first version to an upgraded version by chaining through

intermediate versions" as a means for determining whether a stored message is formatted in accordance with a current message, (see col. 2, lines 40-47)

(Office Action 5/5/04, page 4)

The Office Actions cites to col. 2, lines 40-47 of Meyer for support of its assertion that Meyer teaches the noted claim limitation. However, this cited passage of Meyer only teaches the updating of the format of a message to a *current* format. There is no updating of messages to upgraded versions by **chaining through intermediate versions** taught or suggested in Meyer. Furthermore, Stupek fails to cure this deficiency. Stupek teaches the upgrading of a program to a **newest** version either automatically or manually by displaying to the user the difference between an installed version of the program and the newest version of the program. This is illustrated in Figure 9 of Stupek which shows on the right hand side of box 51 the "Installed Version: 2.30" and the "**Newest** Version: 2.40 - ``/5/1992" (Stupek, Fig. 9)(bold emphasis added). As such, similar to the deficiency in Meyer, there is no updating of messages to upgraded versions by **chaining through intermediate versions** taught or suggested in Stupek. Furthermore, it is submitted that it would be impermissible hindsight, based on applicants' disclosure, to combine the references in the manner purported by the Office Action to arrive at applicants' claim 1 limitations. Therefore, claim 1 is patentable over the combination of cited references.

The Office Action also states in part:

Meyer does not explicitly disclose repeatedly generating a revised update message having a next most recent version format based on the update message until a final update message having an upgraded version format is generated. However, Stupek discloses a method for use in upgrading a resource of a computer from an existing version of the resource to a later version of the resource, (see col. 1, lines 56 to col. 2, line 41). Further, in column 9, line 1 to column 10, line 6, Stupek discloses the upgrade installer builds the selected upgrade packages and installation instructions into a job, which is transferred into a staging area, an agent client is then notified that a job has been placed in the staging area and the agent installs the packages in the job according to the installation instructions.

(Office Action 5/5/04, page 4)(emphasis added)

It is respectfully submitted that, as noted above, Stupek teaches the upgrading of a program to a **newest** version either automatically or manually by displaying to the user the difference between an installed version of the program and the newest version of the program. As such, in arguendo, if one were to somehow combine the teachings of Stupek with that of Meyer, there still would be no repeated generation of a revised update message having a next most recent version format to arrive at a final update message. Rather, Stupek teaches displaying only a *single* message to the user about the differences between the installed version of the program and the newest version available.

Furthermore, one of skill in the art would not be motivated to modify Meyer in the manner purported by the Office Action. The object of the teachings in Meyer is to redeliver a stored message to a subscriber in a current format and to do so in a manner that **speeds up the redelivery function**. (Meyer, col. 1, lines 35-40; col. 2, lines 35-47; col. 8, line 62). One of skill in the art, facing the problems confronting the inventor of Meyer, would not be motivated to modify Meyer in the manner purported by the Office Action because the chaining of intermediate versions would **slow down** the redelivery function, **contrary to the teachings of Meyer**. Therefore, it is respectfully submit that claim 1 is patentable over the cited references.

Given that claims 2-4 depend from claim 1, it is submitted that claims 2-4 are also patentable over the cited references.

For reasons similar to those given above with respect to claim 1, it is submitted that claims 5-17 are patentable over the cited references.

In conclusion, applicants respectfully submit that in view of the arguments set forth herein, the applicable rejections have been overcome.


If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 9/7, 2004

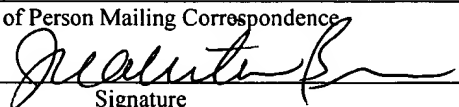

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